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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1 | CSR | 10- | 1. | 010 |
| Department | | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2009.

EXECUTIVE ORDER 10-17

WHEREAS, Section 9.161, RSMo designates June nineteenth of each year, known as "Juneteenth," as "Emancipation Day" to provide an opportunity for the people of Missouri to reflect upon the United States of America's passion for freedom as exemplified in the Constitution of the United States, the Bill of Rights, and the Emancipation Proclamation, and to reflect upon the significance of the Emancipation Proclamation and its role in ending slavery in the United States; and

WHEREAS, the observance of Juneteenth by African Americans is the oldest known commemoration of the ending of slavery, and all Missourians should share in this celebration of American freedom, justice, and equality on Emancipation Day.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare and establish a Missouri Emancipation Day Commission, whose purpose shall be: to promote, consider, and recommend, in consultation with the Departments of Economic Development, Natural Resources and Elementary and Secondary Education, appropriate activities for the annual recognition and celebration of Emancipation Day, as established in Section 9.161, RSMo.

The Commission shall be composed of not more than seven (7) members as follows:

1. the Director of the Department of Economic Development or his or her designee;
2. the Director of the Department of Natural Resources or his or her designee;
3. the Commissioner of the Department of Elementary and Secondary Education or his or her designee;
4. four (4) members appointed by the governor, who demonstrate experience in matters relating to economic development, who have knowledge of African American culture, history, and heritage, and who are influential within their communities.

The governor shall designate one member to serve as the chair. All members of the Commission shall be legal residents of the United States and registered voters in the State of Missouri.

All members of the Commission shall serve at the pleasure of the Governor and shall serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses arising from commission activities or business. Such expenses shall be paid by the Department of Economic Development, to which the Commission is assigned for administrative purposes.

Of the members first appointed to the Commission by the governor, two shall serve a term of three years and two shall serve a term of two years; thereafter members appointed by the governor shall serve for a term of three years. Other members shall serve for as long as they hold the position which made them eligible for appointment.

I further declare that the people of the state, offices of government, and all educational, commercial, political, civic, religious, and fraternal organizations in the state are requested to devote some part of June nineteenth celebrating the abolishment of slavery in the United States; remembering the heroism, courage, and devotion to liberty of the men and women who fought for and brought about this change, thereby setting an example for the entire world; and reaffirming their own personal commitment to achieving equal justice and opportunity for all.

This Order shall be effective immediately and shall supersede all previous Executive Orders pertaining to the same subject.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of February, 2010.

A handwritten signature in black ink, appearing to read "Jeremiah W. (Jay) Nixon".

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

A handwritten signature in black ink, appearing to read "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RESCISSION

4 CSR 170-1.010 Organization and Activities. This rule described the programs, funding, and organization of the Missouri Housing Development Commission.

PURPOSE: This rule is being rescinded and replaced with a rule that more accurately sets forth the organization and activities of the Missouri Housing Development Commission.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 1986. Original rule filed Dec. 22, 1975, effective Jan. 1, 1976. Amended:

Filed Dec. 16, 1985, effective March 24, 1986. Amended: Filed Dec. 30, 1987, effective March 25, 1988. Rescinded: Filed Feb. 11, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RULE

4 CSR 170-1.100 Definitions

PURPOSE: This rule defines terms used in 4 CSR 170-1 through 4 CSR 170-8.

(1) Definitions.

(A) The following words and terms are used with specific intent throughout 4 CSR 170-1 through 4 CSR 170-8 and are defined herein for clarity of meaning. As used in these rules, the following words and terms shall have the meaning described below. Furthermore, the definitions pertaining to the commission in the *Missouri Revised Statutes*, are incorporated into 4 CSR 170-1 through 4 CSR 170-8 by reference. In the event there is a conflict between the definitions set forth in the *Missouri Revised Statutes* and the definitions set forth in 4 CSR 170-1 through 4 CSR 170-8, the definitions set forth in 4 CSR 170-1 through 4 CSR 170-8 shall prevail.

(B) The following terms shall bear the meaning described below:

1. AHAP—The Affordable Housing Assistance Program is the tax credit program designed to provide affordable housing to very low income persons who would not otherwise be adequately housed under sections 32.105, 32.111, and 32.112, RSMo;

2. Commission—The Missouri Housing Development Commission which is a governmental instrumentality of the state of Missouri and constitutes a body corporate and politic created by Chapter 215, RSMo, and supplemented in Appendix B-1 to the Missouri Omnibus Reorganization Act of 1974;

3. Custodian of records—The commission employee designated as the individual responsible for the maintenance of the commission's records pursuant to section 610.023, RSMo;

4. DED—The Missouri Department of Economic Development;

5. Development—Any single family or apartment (multi-family) housing project having common ownership which benefits from commission-administered resources in whole or in part;

6. Director—The executive director of the commission;

7. Federal LIHTC—The Low Income Housing Tax Credit Program implemented by the United States of America as codified in 26 U.S.C.A. 42;

8. General counsel—The chief lawyer of the commission;

9. KC Office—The commission office in the city of Kansas City, Missouri, which may relocate from time-to-time;

10. MHTF—The Missouri Housing Trust Fund as codified in sections 215.034–215.039, RSMo;

11. MO LIHTC—The Missouri Low Income Housing Tax Credit Program as codified at sections 135.350–135.363, RSMo, and sections 135.800–135.830, RSMo;

12. State Housing Act—sections 215.010–215.250, RSMo; and

13. Sunshine Law—The state of Missouri open records law as codified at sections 610.010–610.225, RSMo.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 1—General Organization**

PROPOSED RULE

4 CSR 170-1.200 Organization and Activities

PURPOSE: This rule describes the programs, funding, and organization of the Missouri Housing Development Commission in order to inform the public of what the commission is and what it does.

(1) The Missouri Housing Development Commission (commission) is an instrumentality of the state of Missouri which constitutes a body corporate and politic and was created by an act of the Missouri legislature in 1969 to increase the supply of decent, safe, and affordable housing for low- and moderate-income Missourians.

(2) The commission has a statutorily prescribed board. The board consists of ten (10) commissioners; four (4) of which are Missouri statewide elected officials (the governor, lieutenant governor, treasurer, and attorney general) and the remaining six (6) commissioners are gubernatorial appointees. Gubernatorial appointees are subject to the advice and consent of the Missouri senate. Appointed commissioners serve a four (4)-year term and can be reappointed. The appointed commissioners' terms are staggered in such a manner that in three (3) of every four (4) years there will be two (2) commissioner positions which are due for appointment or reappointment.

(3) The commission is independent, not controlled in whole or in part by any agency or instrumentality of the state of Missouri. The commission maintains Bylaws, Standards of Conduct, and corporate resolutions, all which may be amended from time-to-time by an act of the commission pursuant to section 215.020(3), RSMo. The commission is contractually related to the Department of Economic Development (DED) pursuant to Appendix B(1), RSMo 2000. The commission and DED entered into this formal contractual agreement in 1982. In 1996, the commission and DED entered into a memorandum of understanding which details how the commission will per-

form services for DED relating to tax-exempt bond financed multi-family housing transactions.

(4) Administrative costs for the commission's staff and operations are paid entirely from fees charged to commission borrowers, earnings derived from investments and other fees and charges. The commission pays its employees directly and not from funds derived from the Missouri general fund. The commission receives no tax revenue or other payments from the state and its ability to carry on its programs depends upon the willingness of private investors to buy commission notes and bonds and upon the earnings of the commission's investment of fund balances. It should be noted that the commission does administer the Missouri Housing Trust Fund (MHTF) for the state of Missouri. The MHTF does receive a direct appropriation from the state of Missouri annually in direct correlation with a statutorily prescribed fee collected by the Missouri recorders of deeds on applicable recorded documents. The commission is entitled under statute to a two percent (2%) fee for administration of the MHTF, which may be amended from time-to-time.

(5) The commission shall receive service of process by the director or general counsel at the Kansas City office location.

(6) All Sunshine Law requests shall be made to the commission's custodian of records who shall be located in the commission's KC office. Individuals who contact the commission's KC office for the name and contact information of the currently designated commission custodian of records shall be provided the information upon request. The commission staff shall maintain a designated custodian of records as required under the Sunshine Law. The custodian of records shall be appointed by the director.

(7) The commission shall maintain a website which displays office locations and the name and contact information for the custodian of records.

(8) The commission has a corporate structure which includes the director who oversees five (5) divisions. The roles and responsibilities of the divisions are subject to the direction of the director. The five (5) divisions of the commission are as follows:

(A) Operations Division—The division which is responsible for the day-to-day general business operations of the commission;

(B) Finance Division—The division which is responsible for the commission's finance and accounting functions;

(C) Office of General Counsel—The division which is charged with oversight of all legal matters of the commission. The general counsel does from time-to-time engage outside counsel. The commission does maintain third-party bond counsel;

(D) Rental Production—The division charged with oversight of the production of rental housing for the commission; and

(E) Asset Management—The division charged with compliance monitoring and asset management of the commission's rental housing portfolio. Furthermore, this division is responsible for the administration of all rental housing related contracts the commission may enter into from time-to-time.

(9) The commission administers the following federal and state housing programs:

(A) The federal housing programs the commission administers or participates in include, but are not limited to, the following:

1. HOME Investment Partnership Program;
2. Federal Low Income Housing Tax Credit (LIHTC);
3. Multi-family tax-exempt bond program section;
4. Single-family tax-exempt bond program section;
5. Housing and Urban Development (HUD) production programs, including but not limited to—
 - A. Risk-Sharing (24 CFR 542(c));
 - B. Section 8;
 - C. 24 CFR 221 programs; and

- D. Home Ownership Purchase Enhancement (HOPE) VI;
6. Project-based section 8 contract administration;
7. Section 236 project monitoring;
8. Rural Initiative;
9. Missouri Balance of State Continuum of Care; and
10. Resolution Trust Corporation/Federal Deposit Insurance Corporation (RTC/FDIC) project monitoring;

(B) State of Missouri programs the commission administers include, but are not limited to, the following:

1. Missouri Low Income Housing Tax Credit (MO LIHTC)—the commission is not compensated for administering this program by the state of Missouri;

2. Missouri Affordable Housing Assistance Program (AHAP)—the commission is not compensated for administering this program by the state of Missouri; and

3. MHTF—the commission is entitled to a two percent (2%) fee to pay for the administration of this program as prescribed by state statute; and

(C) Commission programs:

1. Fund Balance Programs; and

2. Single-family mortgage down payment assistance programs.

(10) The commission maintains the following standing committees.

(A) Audit committee—The audit committee is a subcommittee of the commission and operates under a commission-passed charter, which may be amended from time-to-time.

(B) Asset management committee—The asset management committee is a subcommittee of the commission charged with review of the commission's rental housing portfolio as well as all other performance issues relating to any individual or entity of any kind which is involved in any way with any commission-administered program or resources. This committee shall be approved by a vote of the commission at the annual meeting of the commission (as defined in the Missouri Housing Development Commission (MHDC) bylaws). There shall be three (3) members on the asset management committee. A quorum of the committee is two (2) members. In the event the number of commissioners assigned to the asset management committee falls below three (3), the commission chairman shall appoint current commissioners to fill the then existing vacancy(ies) on the asset management committee. The scope of the committee responsibilities shall be determined by the commission from time-to-time. This committee shall be the commission subcommittee as described in 4 CSR 170-8.010(1)(F).

(C) Nominating committee—The nominating committee shall meet no less than annually to nominate a slate of commission officers for consideration by the full commission.

(11) The commission is authorized to issue tax-exempt and taxable notes and bonds and does so in conjunction with both single-family and multi-family housing programs.

(12) Information regarding the commission, its programs, and the programs it administers on behalf of the federal and state government is available by visiting www.mhdc.com or contacting the commission's KC office.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins,

General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.010 Definitions

PURPOSE: This rule defines terms used in 4 CSR 170-8.

(1) When used in this chapter, the following terms shall have the following meaning:

(A) Adequate evidence. Information sufficient to support the reasonable belief that a particular act or omission has occurred;

(B) Affiliate. Persons are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other or a third person has control or has the power to control both. The ways used to determine control include, but are not limited to: a) interlocking management or ownership; b) identity of interest among family members; c) shared facilities and equipment; d) common use of employees; or e) a business entity which has been organized following the exclusion of a person which has the same or similar management, ownership, or principal employees as the excluded person;

(C) Civil judgment. The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation, or otherwise creating a civil liability for the wrongful acts complained of; or a final determination of liability under the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801-12);

(D) Commission. A governmental instrumentality of the state and a body corporate and politic created by Chapter 215, RSMo, and supplemented in Appendix B-1 to the Missouri Omnibus Reorganization Act of 1974;

(E) Commissioners. The appointed and ex officio members of the commission or their lawfully authorized designees;

(F) Commission subcommittee. A subgroup of the commission consisting of at least three (3) persons selected by the commission at the annual meeting of the commission (as defined in the Missouri Housing Development Commission (MHDC) bylaws) to which, among other responsibilities, is charged with carrying out the duties assigned to it under 4 CSR 170-8.140;

(G) Competent and substantial evidence. Evidence that is reliable and probative and which a reasonable mind could accept as adequate to support a conclusion (i.e., evidence upon which the suspending official or debarring official could reasonably base its decision);

(H) Conviction. A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of *nolo contendere*;

(I) Counsel. An attorney or other legal advisor;

(J) Covered transaction. Any activity supported in part or in whole with funds and/or resources administered, granted, or disbursed by MHDC, including but not limited to grants, developments, or contracts for work paid for through funds and/or resources;

(K) Debarment. An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred";

(L) Debarring official. A commission subcommittee which is authorized to impose debarment following review of evidence and/or a hearing;

(M) Disqualification. Refers to a prohibition of a person from participation in one (1) or more programs or covered transactions for

inability to meet some rule or basic requirement for participation outside of the terms of a suspension or debarment;

(N) Excluded Parties List System (EPLS). List of parties debarred or otherwise excluded from receiving federal contracts maintained by the General Services Administration pursuant to 48 CFR 9.404;

(O) Excluded person. Refers to a person prohibited from participation in one (1) or more programs or covered transactions with the commission by virtue of being suspended or debarred under this chapter;

(P) Exclusion or excluded. Refers to a prohibition of a person from participation in one (1) or more programs or covered transactions with the commission by virtue of being suspended or debarred under this chapter;

(Q) Executive director. The person selected by the commissioners to serve as the chief executive of the MHDC;

(R) Funds. All monetary assistance granted and/or loaned by MHDC in relation to covered transactions, including but not limited to HOME funds, Missouri Housing Trust Funds, Affordable Housing Assistance Program, tax credit, and MHDC fund balance;

(S) General counsel. Chief lawyer of the MHDC;

(T) Grantee/subgrantee. A person or persons receiving funds in the form of a grant through an MHDC covered transaction, or a person subordinate to them who receives those grant funds from the grantee as part of an MHDC covered transaction;

(U) Identity of interest. An identity of interest relationship exists if any officer, corporate director, board member, or authorized agent of any participant—

1. Is also an officer, corporate director, board member, or authorized agent of any other participant or subparticipant;

2. Has a financial interest in any other participant or subparticipant;

3. Is a business partner of an officer, corporate director, board member, or authorized agent of any other participant or subparticipant;

4. Has a family relationship through blood, marriage, or adoption with an officer, corporate director, board member, or authorized agent of any participant or subparticipant; or

5. Advanced any funds or items of value to the sponsor/borrower participant;

(V) Indictment. Formal written accusation of a crime made by a grand jury and presented to a court of competent jurisdiction for prosecution against the accused person;

(W) Member of the immediate family. Refers to any spouse, child, parent, or sibling of any person;

(X) MHDC. Missouri Housing Development Commission;

(Y) Ownership interest. An ownership interest shall be deemed to exist if a person, or member of the immediate family of a person, owns or controls, either directly or indirectly, more than twenty percent (20%) of the profits or assets of a firm, association, or partnership or more than twenty percent (20%) of the stock in a corporation for profit;

(Z) Participant. Any person who submits a proposal for or enters into a covered transaction, including all principals, agents, or representatives of a participant;

(AA) Person. Any individual, corporation, partnership, association, unit of government, or legal entity, however organized;

(BB) Primary participant. Any person who submits a proposal for or enters into a covered transaction, including an agent or representative of a participant who has directly and immediately contracted with MHDC in a covered transaction;

(CC) Principal. Any person who is a) an officer, corporate director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or b) a consultant or other person, whether or not employed by the participant or paid with MHDC funds, who: 1) is in a position to handle MHDC funds; 2) is in a position to influence or control the use of those funds; or 3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform a covered

transaction;

(DD) Program. Any activity which utilizes any funds and/or resources administered or controlled by the commission;

(EE) Recipient/subrecipient. A person or persons receiving funds and/or resources in any form through an MHDC covered transaction or a person subordinate to them who receives those funds from the primary recipient as part of an MHDC covered transaction;

(FF) Resources. All non-monetary benefits or assistance awarded or administered by MHDC in relation to covered transactions, including, but not limited to, federal and state tax credits;

(GG) Standards of conduct. The commission approved policy which identifies the way in which commissioners, commission staff, and persons must act in connection with all dealings relating to the work of the commission;

(HH) State. State of Missouri;

(II) Subparticipant. Any person who enters into a covered transaction, including an agent or representative of a subparticipant, who is or has directly and immediately contracted with a primary participant in a covered transaction;

(JJ) Suspending official. A commission subcommittee authorized to impose suspension pending review of evidence and/or a hearing;

(KK) Suspension. An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal and debarment, or other proceedings as may ensue; and

(LL) Workforce eligibility policy. Refers to the then-existing policy of the MHDC which addresses worker eligibility. If no such policy exists, no action shall be taken under this section relating to such a policy.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 170—Missouri Housing Development Commission Chapter 8—Debarment and Suspension Policy

PROPOSED RULE

4 CSR 170-8.020 Parties to Which These Regulations Apply

PURPOSE: This rule establishes criteria for those parties subject to suspension and debarment procedures with the Missouri Housing Development Commission.

(1) Given a cause that justifies exclusion under these regulations, the Missouri Housing Development Commission (MHDC) may exclude any person who has been, is, or may reasonably be expected to be a participant or a principal in any covered transaction. Exclusion may include any affiliate of the participant that is specifically named and

given notice of the proposed exclusion and an opportunity to respond.

(2) For the purposes of determining the scope of the exclusion, conduct may be imputed as follows:

(A) Conduct Imputed to Participants. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of any officer, corporate director, shareholder, partner, employee, or other individual associated with a participant may be imputed to the participant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the participant, or with the participant's knowledge, approval, or acquiescence. The participant's acceptance of benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence;

(B) Conduct Imputed to Individuals Associated with Participant. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of a participant may be imputed to any officer, corporate director, shareholder, partner, employee, or other individual associated with the participant who participated in, knew of, or had reason to know of the participant's conduct; or

(C) Conduct of One (1) Participant Imputed to Other Participants in a Joint Venture. Conduct meeting any of the criteria in 4 CSR 170-8.060 on the part of one (1) participant in a joint application, or in similar arrangement, may be imputed to other participants if the conduct occurred for or on behalf of the joint venture, granted pursuant to a joint application, or similar arrangement with the knowledge, approval, or acquiescence of these participants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.030 Verification

PURPOSE: This rule establishes the list of excluded persons maintained by the Missouri Housing Development Commission and recommendations to verify parties through additional sources.

(1) The Missouri Housing Development Commission (MHDC) shall prepare, and make available upon request, a list of persons having been debarred or suspended in accordance with the procedures herein, including the effective date and term of such debarment or sus-

pension. Such list will be current as of the revision date noted on the list.

(2) Participants or potential participants may also—

(A) Check the Excluded Parties List System maintained by the federal government;

(B) Collect a certification from persons they wish to do business with; and/or

(C) Add a clause to their own agreements with that person when involved in a covered transaction.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.040 Business with Excluded Parties

PURPOSE: This rule establishes the requirements for doing business with an excluded person in a Missouri Housing Development Commission covered transaction.

(1) A non-excluded person may not enter into a covered transaction with an excluded person unless the Missouri Housing Development Commission (MHDC) grants an exception.

(2) If a person is excluded while involved in an existing covered transaction, the non-excluded person may complete the covered transaction already in existence with that person, but the covered transaction agreements with the excluded person may not be renewed or extended unless the MHDC grants an exception.

(3) If a non-excluded person knowingly does business with an excluded person without first receiving an exception from MHDC, MHDC may disallow costs, annul or terminate the covered transaction, issue a stop work order, debar or suspend the person, or take other remedies as appropriate.

(4) When entering into a covered transaction with a participant, the primary participant must require that participant to—

(A) Comply with the requirements of these regulations and all other regulations to which the subparticipant's participation in a covered transaction are subject to as well as all applicable state and federal laws and commission policies; and

(B) Pass the requirements to comply with these regulations to each person with whom the subparticipant enters into a contract at the

next lower level in furtherance of work performed on a covered transaction.

(5) An excluded person must, immediately upon written notice of their exclusion from MHDC, notify all parties in writing with whom they are currently participating in a covered transaction of MHDC's decision to exclude them from such covered transactions. Failure to do so may result in permanent debarment from future covered transactions.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.050 Disclosure of information to MHDC or Other Appropriate Officials (Voluntary vs. Involuntary)

PURPOSE: This rule establishes the requirements for disclosing information relevant to the issues of suspension and debarment.

(1) Before entering into a covered transaction as a primary participant, all persons must disclose whether they, or any of their principals for that covered transaction—

(A) Are presently included in the Excluded Parties List System (EPLS);

(B) Are presently excluded or disqualified from participation in any similar transactions with any public housing authority, whether in the state of Missouri or any other state;

(C) Have been convicted within the preceding three (3) years of any of the offenses listed in 4 CSR 170-8.060 or had a civil judgment rendered against them for one (1) of these offenses within the same time period;

(D) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in 4 CSR 170-8.060; and

(E) Have had one (1) or more public transactions (federal, state, or local) terminated within the preceding three (3) years for cause or default.

(2) Voluntary disclosure of unfavorable information by a primary participant about themselves or a principal, or by a subparticipant about themselves or a principal, will not necessarily result in exclusion from covered transactions. The Missouri Housing Development Commission (MHDC) will consider the information, along with any accompanying explanations, when making determinations as to

whether to enter into a covered transaction with the primary participant.

(3) Failure to disclose unfavorable information known, or that should reasonably have been known, to the primary participant or their principal at the time of entering into the covered transaction may result in MHDC—

(A) Terminating the covered transaction for material failure to comply with the terms and conditions of the covered transaction; or

(B) Pursuing any other available remedies, including suspension and debarment.

(4) Information required to be disclosed in accordance with these regulations that becomes known to the primary participant, subparticipant, or their principals during a covered transaction to which they are party must be disclosed immediately.

(5) A change in circumstances which results in any of the primary participants, subparticipants, or their principals meeting any of the criteria in the 4 CSR 170-8.060 during a covered transaction to which they are party must be disclosed immediately.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.060 Causes for Debarment of a Person(s)

PURPOSE: This rule establishes the grounds upon which a person may be debarred from participating in covered transactions with the Missouri Housing Development Commission.

(1) In the public interest, the commission may debar a person for any of the following causes:

(A) Conviction or Civil Judgment for—

1. Acts of fraud or a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contracts or subcontracts; or

2. Acts of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty; or

3. Violation of any federal or state antitrust statute, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; or

4. Violation of the federal Anti-Kickback Acts, 18 U.S.C. section 874 and 40 U.S.C. section 3145; or

5. Violation of any of the laws governing the conduct of elections of the federal government or of the state of Missouri or its political subdivisions; or

6. Violation of any Missouri laws prohibiting discrimination, including, but not limited to, acts of discrimination prohibited under section 213.040, RSMo, et seq., and section 215.110, RSMo, et seq.; or

7. Violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor; or

8. Violations of any laws governing the conduct of occupations or professions or regulated industries; or

9. Any other offense, or violation of any other law(s), which may indicate a lack of responsibility, business integrity, or business honesty that seriously and directly affects the present responsibility of a person;

(B) Violation of the terms of a covered transaction so serious as to affect the integrity of a program administered by the commission such as—

1. A willful failure to perform in accordance with the terms of one (1) or more covered transactions, or within the contractual time limits for one (1) or more covered transactions;

2. A history of failure to perform or of unsatisfactory performance of one (1) or more covered transactions, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person to be debarred; or

3. A willful violation of a statutory or regulatory provision or requirement applicable to a covered transaction;

(C) Any violation of the Workforce Eligibility Policy;

(D) Failure to pay a single substantial debt or a number of outstanding debts (including disallowed costs and overpayment, but not including sums owed the federal government under the *Internal Revenue Code*) owed to any federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;

(E) Debarment by any instrumentality, department, or agency of the state of Missouri or of any other state;

(F) Debarment by the Department of Housing and Urban Development, Federal Housing Administration, or any other instrumentality, agency, or department of the United States government;

(G) Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person in connection with a covered transaction;

(H) Any violation of the Missouri Housing Development Commission (MHDC) Standards of Conduct;

(I) Improper communication in violation of the Contact with the Commission and Employees Policy;

(J) Violation of a material provision of any settlement of a debarment or suspension action; and

(K) Any other cause affecting the responsibility of a person that is of such a serious and compelling nature as may be determined by the commission to warrant debarment, even if such conduct has not been or may not be prosecuted as a violation of any law or contract.

(2) Any act by an individual of any of the grounds for debarment stipulated under subsection (1)(A) may be imputed to an affiliate of a person where such conduct was accomplished within the course of the affiliate's official duty or was effected by the individual with the knowledge or approval of such person.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.070 Conditions Affecting the Debarment of a Person(s)

PURPOSE: This rule sets forth the conditions and level of proof required to debar a person.

(1) The following conditions shall apply concerning debarment:

(A) Debarment shall be made only upon approval of the members of the commission upon their own action or upon recommendation by the executive director of the commission, except as otherwise provided by law;

(B) The existence of any of the causes set forth in 4 CSR 170-8.060 shall not necessarily require that a person be debarred. In each instance, unless otherwise required by law, the decision to debar shall be made within the discretion of the commission, upon the recommendation of its members or upon recommendation by the executive director, taking into account the seriousness of the acts or omissions and any mitigating factors which the commission may consider and shall be rendered in the best interests of the state of Missouri;

(C) All mitigating factors shall be considered in determining the seriousness of the offense, failure, or inadequacy of performance in deciding whether debarment is warranted;

(D) The existence of a cause set forth in subsection 4 CSR 170-8.060(1)(A), as well as in subsection 4 CSR 170-8.060(1)(D) where the debt is contested, shall be established upon the rendering of a final judgment or conviction, including a guilty plea or a plea of *nolo contendere* by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon request of the debarred person unless other cause for debarment exists;

(E) The existence of a cause set forth in paragraphs 4 CSR 170-8.060(1)(B)1.-3. or subsections 4 CSR 170-8.060(1)(H) or (1)(K) shall be established by competent and substantial evidence; and

(F) Debarment for any cause set forth in subsections 4 CSR 170-8.060(1)(E)-(1)(F) shall be proper, provided that one (1) of the causes set forth in subsection 4 CSR 170-8.060(1)(A), (1)(B), or (1)(K) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.080 Period of Debarment

PURPOSE: This rule establishes guidelines for establishing the period of time for which debarment may be imposed, as well as the grounds upon which the period of debarment may be either extended, reduced, or terminated early.

(1) Debarment shall be for a reasonable, definitely stated period of time which, as a general rule, shall not exceed five (5) years. If a temporary suspension is imposed under section 4 CSR 170-8.140(2), the time of debarment imposed on the person shall be reduced by the amount of time the person was temporarily suspended.

(2) The debarring official may extend an existing debarment for an additional period at its discretion if the debarring official determines that an extension is necessary to protect the public interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the debarment procedures set forth in 4 CSR 170-8.060 shall be followed to extend the debarment.

(3) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring official upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief. The debarring official may grant such a request for reasons including, but not limited to:

- (A) Newly discovered material evidence;
- (B) Reversal of the conviction or civil judgment upon which the debarment was based;
- (C) Bona fide change in ownership, management, or control;
- (D) Elimination of other causes for which the debarment was imposed; or
- (E) Other reasons which the debarring official may deem appropriate.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.090 Scope and Effect of Debarment

PURPOSE: This rule establishes the scope and effect of the debarment of a person.

(1) Debarment of a person under these regulations constitutes a debarment of all its divisions and other organizational elements from all covered transactions and shall effectively exclude the debarred person as either a grantee/recipient or subgrantee/subrecipient from any program. However, the debarring official may, in its discretion, limit the scope and terms of the debarment decision to one (1) or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

(2) A debarment may include all known affiliates of a person provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances and provided that the procedures set forth in 4 CSR 170-8.040 are followed for all such affiliates to be debarred.

(3) The debarring official may grant an exception permitting a debarred person to participate in one (1) or more programs upon a written determination by the debarring official stating the reasons for deviating from the debarment.

(4) At the discretion of the debarring official, an ongoing program or contractual arrangement may be carried out to completion by a debarred person notwithstanding the debarment.

(5) Any person engaged in a covered transaction with the commission shall not renew or extend covered transactions with any person who is debarred or suspended except as allowed under the preceding section.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.100 Causes for Suspension of a Person(s)

PURPOSE: This rule establishes the causes for suspending a person from covered transactions with the Missouri Housing Development Commission.

(1) In the public interest, the Missouri Housing Development Commission (commission) may suspend a person for any cause specified in 4 CSR 170-8.060 or upon reasonable suspicion that such cause exists.

(2) The commission may also suspend a person awaiting verdict or civil judgment in any action as described in 4 CSR 170-8.060 until such verdict or civil judgment is rendered.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.110 Conditions Affecting the Suspension of a Person(s)

PURPOSE: This rule establishes the conditions affecting the suspension of a person from covered transactions with the Missouri Housing Development Commission.

(1) The following conditions shall apply concerning suspension:

(A) Suspension shall be imposed only upon the approval of the executive director, either by his/her own action or upon recommendation by the Missouri Housing Development Commission (commission);

(B) The existence of any cause for suspension shall not require that a suspension be imposed, and any decision to suspend shall be at the

discretion of the executive director of the commission, either upon their own action or upon recommendation by the executive director, and such decision shall be rendered in the best interests of the state;

(C) Suspension shall not be based upon unsupported accusation, but must be supported by adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists;

(D) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts;

(E) Reasonable suspicion of the existence of a cause described in 4 CSR 170-8.060 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur; and

(F) A suspension or debarment invoked by another agency for any of the causes described in 4 CSR 170-8.060 may be the basis for the imposition of a concurrent suspension by the commission, which suspension may be imposed when found to be in the best interest of the state.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.120 Period of Suspension

PURPOSE: This rule establishes the criteria for determining the period of suspension of a person from a covered transaction with the Missouri Housing Development Commission.

(1) Suspension shall be for a temporary period of time pending the completion of an investigation by the Missouri Housing Development Commission (MHDC) into causes for debarment or while awaiting verdict or civil judgment in any action as described in 4 CSR 170-8.060, unless terminated sooner by the suspending official, or as provided in section (2) of this rule.

(2) If legal proceedings originating within MHDC or with a person outside of MHDC or administrative proceedings originating with a person outside of MHDC are not initiated within twelve (12) months, the suspension shall be terminated unless the suspending official determines that there is adequate evidence that cause for debarment exists, in which case the suspending official may extend the suspension for an additional six (6) months. In no event may a suspension

under this section extend beyond eighteen (18) months unless proceedings have been initiated within that time period.

(3) If administrative proceedings originating with MHDC are not initiated within six (6) months, the suspension shall be terminated unless the suspending official determines that there is adequate evidence that cause for debarment exists, in which case the suspending official may extend for an additional six (6) months. In no event may a suspension for administrative proceedings originating within MHDC extend beyond twelve (12) months.

(4) The suspending official shall notify the general counsel of any proposed change(s) in the period of suspension at least forty-five (45) days prior to the proposed date of said change(s). The general counsel shall have fifteen (15) days to review the proposed change(s) to insure all proper procedures and policies have been followed. The excluded person shall be notified subsequent to the general counsel's review, but in no event shall the excluded person be notified less than thirty (30) days prior to the date that the proposed change is to take effect.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.130 Scope of Suspension

PURPOSE: This rule establishes the scope of suspension of a person from a covered transaction with the Missouri Housing Development Commission.

(1) Suspension of a person under these regulations constitutes suspension of all its divisions and other organizational elements from all covered transactions, unless the suspension is limited by its terms to one (1) or more specifically identified individuals, divisions, or other organizational elements or to specific types of transactions.

(2) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances. Such affiliates must be notified of said suspension and given an opportunity to respond in accordance with the procedure for suspension as set out in these regulations.

(3) The offense, failure, or inadequacy of performance of an individual may be imputed to a person's affiliate where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such affiliate.

(4) At the discretion of the Missouri Housing Development Commission (commission), an ongoing program or contractual arrangement may be carried out to completion by a suspended person notwithstanding the suspension.

(5) Any person engaged in a covered transaction with the commission shall not renew or extend covered transactions with any person who is suspended except as allowed under the preceding section.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.140 Suspension and Debarment Procedures

PURPOSE: This rule establishes the procedures for suspending or debarring a person and the procedures for obtaining reinstatement following the suspension or debarment.

(1) The debarment and suspension process shall be conducted as informally as practicable, consistent with the fundamental principles of fairness, using the procedures outlined as follows:

(A) When the commission subcommittee determines that grounds for suspension or debarment as described in 4 CSR 170-8.060 exist, the executive director shall notify the person by personal delivery or in writing by certified mail, return receipt requested, that suspension or debarment is under consideration. All such notices shall be sent via a traceable form of delivery service, such as Federal Express, UPS, certified mail, etc. Such notice shall provide the following information:

1. What action is being considered (i.e., suspension or debarment);
2. The basis upon which suspension or debarment is being considered;
3. The proposed scope of the suspension or debarment;
4. The proposed time period of the suspension or debarment;
5. Notice of the person's right to request an informal hearing with the commission subcommittee, which request must be made in writing; and

6. The time period within which the written request for a hearing must be received by the commission subcommittee. The time period provided in the notice shall be thirty (30) calendar days from the date of receipt by the executive director;

(B) If the person fails to respond to the notice within the time provided, the opportunity to exercise the rights provided in this section shall be deemed waived, and the executive director shall make the determination on whether to suspend or debar the person based on all the information germane to the issue and available to him. The person shall then be notified of the final decision in writing by certified mail, return receipt requested;

(C) If the person provides a timely response to the notice and exercises its right to a hearing with the commission subcommittee, the commission subcommittee shall hold a hearing with the person within thirty (30) days of the date the request for a hearing is received. The deadline for conducting the hearing may be extended for an additional thirty (30) days upon written request of the commission subcommittee or of the person for whom suspension or debarment is being considered, provided that notice of the extension is provided to all parties;

(D) The following guidelines and rules shall apply to a hearing held under this section:

1. The hearing shall not be considered a contested case;

2. The hearing shall be informal and no formal rules of evidence or procedure shall apply;

3. The person may be represented by counsel at the hearing and shall have the right to present evidence or arguments relevant to the grounds upon which the proposed suspension or debarment is based. If the person elects to be represented by counsel, the person shall notify the commission subcommittee of this intent at least five (5) days prior to the scheduled hearing;

4. The commission subcommittee, in reaching a decision, may consider information from any source which is relevant to the proposed suspension or debarment and shall consider all facts and circumstances upon which the proposed suspension or debarment is based, including, but not limited to:

A. The nature of the acts involved;

B. The duration of the person's involvement in the acts;

C. The extent of the damage caused to the state of Missouri and the commission by the person's acts;

D. Whether and to what extent the person subsequently cooperated with the appropriate authorities;

E. The conditions under which the person cooperated;

F. The degree to which the person made restitution;

G. The time when the acts occurred and the conduct of the person since that time;

H. Where the proposed suspension or debarment is based on a conviction or civil judgment or upon debarment by another local, state, or federal agency, the record of the court or agency rendering the decision;

5. The chairperson of the commission subcommittee may limit the hearing in time and substance in a manner which is reasonable to the present matter;

6. All hearings under this section shall be transcribed; and

7. The person or anyone acting on the behalf of or under the control of the person shall be prohibited from ex parte communication with any member of the Missouri Housing Development Commission (commission) or the commission subcommittee;

(E) Within thirty (30) days of the date on which the hearing is held, the commission subcommittee shall issue a decision in writing to the person.

1. If the commission subcommittee determines that suspension or debarment is not warranted, the decision shall notify the person that it will not be suspended or debarred for the grounds on which the hearing was held. Further, if the person was suspended pending the outcome of the hearing, the decision shall state that the person's suspension has been rescinded as of the date of the decision.

2. If the commission subcommittee determines that suspension or debarment is warranted, the decision shall notify the person of the following:

A. Whether the person is suspended or debarred;

B. The grounds upon which the suspension or debarment is being based;

C. The scope and duration of the suspension or debarment;

D. Any requirements the person must fulfill in order to be eligible to participate in programs and/or contracts administered by the commission following the termination of the suspension or debarment period;

E. Notice of the person's right to appeal the commission subcommittee's decision to the commission;

F. The time period within which a written appeal must be submitted to and received by the commission subcommittee and the commission. The time period for such appeal provided in the notice shall be thirty (30) days; and

G. Whether or not the person may continue with any covered transaction already in progress;

(F) If the person submits an appeal to the commission, a hearing for the appeal shall be held within sixty (60) days of the date upon which the request for an appeal hearing is received by the commission. The deadline for conducting the hearing may be extended for an additional thirty (30) days upon written request of the commission or of the person filing the appeal, provided that notice of the extension is provided to all parties;

(G) The following guidelines and rules shall apply to an appeal hearing held by the commission:

1. The appeal hearing shall not be considered a contested case;

2. The hearing shall be informal and no formal rules of evidence or procedure shall apply;

3. The person may be represented by counsel at the hearing and shall have the right to present evidence or arguments relevant to the grounds upon which the decision to suspend or debar the person was based. If the person elects to be represented by counsel, the person shall notify the commission of this intent at least five (5) days prior to the scheduled hearing;

4. The chairperson of the commission may limit the hearing in time and substance in a manner which is reasonable to the present matter;

5. The commission, in reaching a decision, may only consider items in the record of the hearing held by the commission subcommittee; however, the commission may consider evidence that was not available at the initial hearing, but only if the person providing the additional evidence can show good cause for why it was not presented at the initial hearing. The commission shall uphold the commission subcommittee's decision(s) unless it determines that the commission subcommittee's decision was not based on competent and substantial evidence;

(H) Within thirty (30) days of the date upon which the appeal hearing is held, the commission shall issue a decision in writing to the person. This decision shall be considered the final decision of the commission on the matter. However, the commission's decision shall not be considered final if the commission finds appropriate grounds to remand the issue back to the commission subcommittee for further investigation and fact gathering. If the commission does remand the issue back to the commission subcommittee, the same procedures spelled out in this rule shall apply to all further proceedings with the commission subcommittee and/or commission until a final decision is reached; and

(I) Any appeal of the final determination of the commission under subsections 4 CSR 170-8.140(1)(F)–(H) shall be rightfully appealed only to a court of competent jurisdiction in Jackson County, Missouri.

(2) A person may be temporarily suspended pending the conclusion of all procedures set forth in section (1) of this rule. If a person is to be temporarily suspended, the initial notice described in subsection

(1)(A) of this rule shall, in addition to containing the information required under that subsection, include a statement that the person is being temporarily suspended pending a resolution of the issue and shall inform the person that the temporary suspension shall be effective as of the date the notice was mailed or personally delivered.

(3) In order to be granted reinstatement to good standing with the commission, and thereby be allowed to participate in programs and/or contracts administered by the commission, the suspended or debarred person must apply to the commission subcommittee for reinstatement upon completion of the term of suspension or debarment. Such application shall include any and all relevant documentation showing how the person has complied with all terms of the suspension or debarment and how the person has complied with all requirements stipulated in the original decision rendered by the commission subcommittee. The commission subcommittee may request additional information or documentation from the suspended or debarred person as they may deem reasonably necessary in order to render a determination on whether the application for reinstatement should be granted or denied. The executive director shall respond in writing to the person's application for reinstatement within thirty (30) days of the date all requested information is received. However, the commission subcommittee may extend the response period for an additional thirty (30) days when deemed necessary at the commission subcommittee's sole discretion, provided that the commission subcommittee provides written notice to the person submitting the application of the extension. If the commission subcommittee denies the application for reinstatement, the written response shall specify the reasons why the application has been denied and apprise the person of their right to request a hearing with the commission subcommittee. In the event a hearing is so requested, the same procedures set forth in section (1) shall be used to reach a final determination by the commission on the application for reinstatement.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.150 Prohibited Activities of Persons; Reporting Requirements

PURPOSE: This rule establishes prohibitions against certain activities and/or compensation being exchanged between commission members and employees and persons who are or may become a party to a covered transaction with the commission.

(1) In order to ensure that all persons meet a standard of responsibility which assures the Missouri Housing Development Commission (commission) and the state and its citizens that such persons will both compete and perform honestly in their dealings with the commission and avoid conflicts of interest, all persons shall comply with the commission's Standards of Conduct Policy. To the extent a violation of the commission's Standards of Conduct Policy calls for suspension or debarment procedures as it pertains to any person, the provisions of 4 CSR 170-8.140 shall be modified in the following manner:

(A) All references to the commission subcommittee in subsections 4 CSR 170-8.140 (1)(A)–(1)(E) shall be replaced with commission; and

(B) Any appeal of an initial determination by the commission action under provisions of subsections 4 CSR 170-8.140(1)(A)–(1)(E) shall be appealed to a court of competent jurisdiction in Jackson County, Missouri.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins, General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 170—Missouri Housing Development
Commission
Chapter 8—Debarment and Suspension Policy**

PROPOSED RULE

4 CSR 170-8.160 Discretion

PURPOSE: This rule establishes the discretion left to the commission to enter into or not enter into contracts with any person.

(1) Nothing contained herein shall be construed to limit the authority of the Missouri Housing Development Commission (commission) to contract or to refrain from contracting within the discretion allowed by law.

AUTHORITY: section 215.030(5), (12), and (19), RSMo 2000. Original rule filed Feb. 11, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Housing Development Commission, Attn: Bramwell E. Higgins,

General Counsel, 3435 Broadway, Kansas City, MO 64111. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 1—Organization; General Provisions**

PROPOSED AMENDMENT

7 CSR 10-1.010 Description, Organization, and Information. The Missouri Highways and Transportation Commission is amending subsections (2)(A) through (2)(D) and section (3).

PURPOSE: This proposed amendment updates the Department of Transportation's (MoDOT) organizational structure consistent with MoDOT's business practices.

(2) The commission appoints a director and a secretary under Chapter 226, RSMo.

(A) General Management.

1. The director is the chief executive officer and **is appointed by, and** serves at the discretion of, the commission. The director appoints a chief engineer, chief financial officer, chief counsel (with the consent of the commission), and other leaders and employees as the commission may designate and deem necessary. Under the direction of the commission, the director is responsible for the overall operations and performance of the department and prescribes the duties and authority of leaders and employees. The selection and removal of all employees is without regard to political affiliation. The *[director appoints a]* **duties of the** chief engineer, chief financial officer, chief counsel, and other administrators *[with duties]* **are** as follows:

A. The chief engineer has input on overall department decisions at MoDOT as well as overseeing engineering operations such as planning, construction, and maintenance. This position reports directly to the director and serves as the primary advisor regarding engineering issues. The chief engineer handles MoDOT's day-to-day operations. The chief engineer is also responsible for preparation and approval of all engineering documents, plans, and specifications. This position provides general oversight of all design, construction, and maintenance work for the department as determined by the director.

(I) The director of system management has the overall responsibility for motor carrier services, highway safety, traffic and maintenance, and other activities related to them.

(II) The director of program delivery has the overall responsibility for right of way, construction and materials, transportation planning, *[and]* highway and bridge design functions, **and external civil rights**.

B. The chief financial officer is responsible for all administrative operations of MoDOT. This position provides general oversight of financial and business planning, information technology, and other administrative and financial functions as determined by the director.

C. The director of audits and investigations is responsible for ensuring *[the]* integrity in the operations of the department, resolving conflicts, and internal and external Equal Employment Opportunity (EEO) complaints. The director of audits and investigations also is responsible for providing internal control and audit assurance to MoDOT and the commission. Responsibilities include~~[:]~~ conducting internal reviews of *[functional unit]* **division** and district operations to ensure the integrity of financial management in all areas of cost generation and payments.

D. The community relations director is responsible for disseminating information on the activities of the commission and MoDOT to the public and to MoDOT personnel. Community relations coordinates customer comments to MoDOT through public involvement meetings, customer service representatives, and surveys. Community relations helps MoDOT communicate with news media through news releases and personal contact. Community relations also improves MoDOT contact with customers by preparing speeches, publications, displays, and plans for communication and marketing.

E. The governmental relations director is responsible for providing liaison between MoDOT, congressional delegations, and the Missouri Legislature. Staff members disseminate information regarding proposed legislation affecting MoDOT and analyze the content of legislation, legislative proposals, and policy options.

F. The organizational results director is responsible for spearheading and directing organizational performance measures to be reported in the TRACKER. The organizational results director facilitates process improvement, customer satisfaction, and problem solving teams to improve operational performance. The organizational results director also oversees MoDOT's research efforts regarding policy studies, finance, community, and economic development as related to transportation, as well as research in the environmental area.

G. The chief counsel advises and represents the commission and the director in all actions and proceedings to which either may be a party or in proceedings under Chapters 226 and 227, RSMo, or with respect to any law administered by the commission or any order or proceeding of the commission. S/he is directly responsible for drafting all contracts, conveyances, agreements, or other documents affecting the commission, property held or acquired by it, and any action taken by the commission. The chief counsel, with the director's approval, appoints assistant counsel as necessary to represent the commission and the department.

2. The secretary to the commission is responsible for maintaining records of all proceedings of the commission and is the custodian of all records, documents, and papers filed with the commission, department, and other public governmental bodies established by the commission.

(B) MoDOT pursues its mission through the following divisions:

1. Bridge is responsible for the structural design and detailed plans production for all state highway bridges, including cost estimates and site-specific job special provisions. Additional responsibilities include maintaining the National Bridge Inventory, recommending load posting limits for both state and non-state bridges, and analyzing structures for special superload overweight permit loads traveling within the state.

2. Construction and Materials is responsible for administering all construction contracts awarded by the commission. Contracts are awarded through the competitive bid process, and then work is assigned to project offices located geographically throughout the state. Engineers and technicians assigned to these project offices do field surveying and perform quality control tests on the work performed by contractors to ensure quality construction that improves Missouri's transportation system. *[Construction and Materials is responsible for carrying forward MoDOT's commitment to EEO and affirmative action with the contractors with whom MoDOT does business.]* Construction and Materials is responsible for sampling and testing of materials used in the construction and maintenance of roadways and structures to ensure compliance with applicable standards and specifications. Construction and Materials personnel analyze pavement designs, roadway foundations, asphaltic concrete, and Portland cement mixtures, as well as carry out soil and subsurface condition surveys and furnish geotechnical information for the design, construction, and maintenance of roads and structures.

3. Controller's Division provides administrative support to MoDOT in accounting, financial reporting and policy development,

building and maintaining an effective system of internal controls, and cost accounting.

4. Design is responsible for the location, environmental, and cultural resource studies required for initial evaluation of proposed projects; detailed route studies, ground surveys, and aerial photography; and design and plan preparation including cost estimates for the state transportation projects. Design advertises and makes all preparations for receiving bids for transportation project contracts including the development of specifications and cost estimates prior to advertising for bids.

[5. Employee Benefits is responsible for management and implementation of medical and life insurance plans for department employees and retirees. Employee Benefits also provides support to the MoDOT and Patrol Employees' Retirement System.]

[6.]5. Equal Opportunity and Diversity is responsible for [MoDOT's commitment to EEO and affirmative action by integrating diversity, equity, and fairness principles into all practices and processes of the department.] directing the department's Affirmative Action Program and other initiatives aimed at achieving and maintaining a diverse workforce.

6. External Civil Rights is responsible for directing the department's external affirmative action, equal opportunity, and nondiscrimination programs, which include the Disadvantaged Business Enterprise Program, On-the-Job Training Program, Equal Employment Opportunity, Title VI, Americans with Disabilities Act (ADA), and all other nondiscrimination or affirmative action programs related to federal-aid contracting activities.

7. General Services is responsible for supporting MoDOT activities by providing guidance and support services in the areas of facilities management, procurement, distribution center services, fleet management, and equipment repair.

8. Highway Safety is responsible for planning, directing, and coordinating the solicitation, review, award, and monitoring of federal highway safety grant contracts. Highway Safety concentrates their efforts in the areas of education, enforcement, and engineering in order to prevent deaths and injuries from motor vehicle accidents.

9. Human Resources is responsible for continually developing and improving human resource processes that support MoDOT and its employees in contributing to a quality transportation system. Responsibilities include **nationally** recruiting *[nationally for]* college graduates for placement throughout the state and administering employee development programs, personnel policies, the department's pay system, and personnel records.

10. Information Systems is responsible for providing and improving information and communication services used by employees of MoDOT through the operation and maintenance of local and statewide data networks and telephone services. Information Systems staff provide applications programming expertise to support the engineering, financial, operational, and general information needs of MoDOT.

11. Maintenance is responsible for assisting and supporting maintenance activities for the preservation and operation of the state highway system.

12. Motor Carrier Services provides information, credentials, and permits and enforces safety for businesses and individuals interested in commercial **property and passenger-carrying** operations on public highways in and through Missouri.

13. Multimodal Operations is responsible for administering state and federal programs *[and funds by coordinating and cooperating with owners and operators of the various non-highway transportation systems which include air, rail, waterways and transit]*.

A. The aviation section is responsible for the administration of federal and state grant programs that help local governments in planning, maintaining, and developing existing airports and establishing new facilities.

B. The railroads section is responsible for improving rail freight and passenger service by working with federal agencies and the railroads.

C. The waterways section is responsible for developing and promoting appropriate use of navigable waterways, including the development of ports.

D. The transit section is responsible for developing or assisting in developing public transit systems, including systems for the elderly and handicapped, in both urban and rural areas.] that support and develop non-highway passenger and freight transportation, which include airports, passenger/freight rail operations, public transportation, and waterborne commerce. Major programs include capital improvements, operating support, technical assistance, safety outreach, and identifying freight efficiencies/opportunities.

14. Resource Management is responsible for coordinating financial resources and spending plans through forecasting, analysis, *[and]* training, and administering the scenic byway program. Resource Management performs financial planning and fiscal analysis, budget, federal aid, and innovative finance administration functions for the department.

15. Right of Way is responsible for acquisition of right of way required for the construction and maintenance of all highways in addition to properties incidental to the system of state highways in Missouri, and provides relocation assistance for all persons displaced by the commission's right of way acquisition. Right of Way administers the disposal or lease of land considered excess to commission needs,*[and]* the regulation of outdoor advertising billboards and junkyards adjacent to state highways.

16. [Risk Management is responsible for administration of MoDOT's self-insurance operations and is responsible for workers' compensation, fleet liability, general liability and property damage recovery. Also included under the risk management umbrella are the safety and health programs.] Risk and Benefits Management is responsible for the management and implementation of medical and life insurance plans for department employees and retirees; administration of MoDOT's self-insurance operations, including workers' compensation, fleet liability, general liability, and property damage recovery; and administration of the safety and health programs. Risk and Benefits Management also provides support to the MoDOT and Patrol Employees' Retirement System.

17. Traffic is responsible for the safe and efficient movement of people and goods on the state highway system. This includes supporting signing, striping, traffic signals, lighting, intelligent transportation systems (ITS), roadway access, and safety management programs throughout the state. Traffic is responsible for the coordination of traffic management, incident management, traveler information services, and telecommunications network.

18. Transportation Planning is responsible for collecting, managing, and analyzing data to provide a single source of information to support MoDOT's decision process; developing and tracking the 5-Year Highway and Bridge Construction Schedule and the Statewide Transportation Improvement Program; mapping; and developing and coordinating a long range, total transportation system for MoDOT;*and the scenic byway program]*.

(C) Missouri is geographically divided into ten (10) Department of Transportation districts with a district office in each district. Each district office is led by a district engineer who is responsible for supervising all activities of *[the]* MoDOT within that particular district. The following counties are included in the indicated district: District 1 includes: Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway, and Worth; District 2 includes: Adair, Carroll, Chariton, Grundy, Howard, Linn, Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler, and Sullivan; District 3 includes: Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby, and Warren; District 4 includes: Cass, Clay, Henry, Jackson,

Johnson, Lafayette, Platte, and Ray; District 5 includes: Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage, and Pettis; District 6 includes: Franklin, Jefferson, St. Charles, St. Louis, and the City of St. Louis; District 7 includes: Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair, and Vernon; District 8 includes: Christian, Dallas, Douglas, Greene, Hickory, Laclede, Ozark, Polk, Stone, Taney, Webster, and Wright; District 9 includes: Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas, and Washington; and District 10 includes: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard, and Wayne.

(D) Although attached to the commission or MoDOT by law for organizational purposes, the following commissions, authorities, and districts operate independently of MoDOT: the Missouri-Tennessee Bridge Commission; the Bi-State Metropolitan Development District; the Missouri-St. Louis Metropolitan Airport Authority; the Kansas City Area Transportation Authority District; and the Mississippi River Parkway Commission. The Mississippi River Parkway Commission is authorized by sections 226.440–226.465, RSMo. All the other entities are authorized by section 14 of the Omnibus State Reorganization Act of 1974.

(3) The official residence of the commission, as well as the offices of the director, chief counsel, commission secretary, and divisions of MoDOT, is the *[State Highways and Transportation]* **Missouri Department of Transportation** Building in Jefferson City, Missouri. Written inquiries by the public should be addressed to the Commission Secretary, *[State Highways and Transportation]* **Missouri Department of Transportation** Building, PO Box 270, Jefferson City, MO 65102. The general information telephone number is (573) 751-2551. Inquiries may be made via *[E-mail]* **email** by sending electronically to comments@modot.mo.gov. Information from any district office of the department may be obtained in person, by writing, or by telephoning the District Engineer, Missouri Department of Transportation: District 1, 3602 North Belt Highway, *[PO Box 287,]* St. Joseph, MO *[64502]* **64506-1399**, (816) 387-2350; District 2, *[U.S. Route 63]* **902 North Missouri Street**, PO Box 8, Macon, MO 63552, (660) 385-3176; District 3, 1711 South *[Route]* **Highway 61**, PO Box 1067, Hannibal, MO 63401, (573) 248-2490; District 4, 600 NE Colbern Rd., Lee's Summit, MO 64086, (816) 622-6500; District 5, 1511 Missouri Boulevard, PO Box 718, Jefferson City, MO 65102, (573) 751-3322; District 6, 1590 Woodlake Drive, Chesterfield, MO 63017, (314) *[340-4100]* **275-1500**; District 7, 3901 East 32nd Street, *[PO Box 1445,]* Joplin, MO *[64802]* **64804**, (417) *[629-3300]* **621-6500**; District 8, 3025 East Kearney, *[M.P.O.]* **PO Box 868**, Springfield, MO 65801, (417) 895-7600; District 9, 910 Springfield Rd., PO Box 220, Willow Springs, MO 65793, (417) 469-3134; and District 10, 2675 N. Main Street, PO Box 160, Sikeston, MO 63801, (573) 472-5333.

AUTHORITY: section 536.023, RSMo Supp. 2009. Original rule filed Oct. 14, 1976, effective March 1, 1977. Amended: Filed March 4, 1983, effective June 15, 1983. Rescinded and readopted: Filed June 13, 2000, effective Jan. 30, 2001. Amended: Filed June 15, 2006, effective Jan. 30, 2007. Amended: Filed Feb. 5, 2010.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

*Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 6—Recovery Zone Bond Allocation, Waiver, and Reallocation

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Economic Development (DED) under section 108.1010, RSMo Supp. 2009, the DED adopts a rule as follows:

4 CSR 85-6.010 Recovery Zone Bond Allocation, Waiver, and Reallocation **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 2, 2009 (34 MoReg 2381–2385). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 50—Division of School Improvement

Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 162.081, and 168.081, RSMo Supp. 2009 and section 167.131, RSMo 2000, the board withdraws a rule as follows:

5 CSR 50-345.105 Missouri School Improvement Program—Fifth Cycle **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2009 (34 MoReg 2141–2143). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department received five hundred sixty-three (563) comments. Three hundred thirty (330) comments raised concerns about the changes in Career Education Standards. One hundred nineteen (119) comments were received regarding the elimination of the standard for gifted education under the Missouri School Improvement Program (MSIP). One hundred fourteen (114) comments regarded changes to the incorporated by reference material, “MSIP Standards and Indicators Manual.”

RESPONSE: The department is in the process of reviewing all agency standards with regard to alignment with the state's Race to the Top grant application; MSIP standards will be a part of that review. Based upon these factors, the department has withdrawn the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 50—Division of School Improvement

Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 160.545, 161.092, and 163.031, RSMo Supp. 2009 and section 161.210, RSMo 2000, the board withdraws a rule as follows:

5 CSR 50-345.205 Waiver of Regulations—Fifth Cycle **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2009 (34 MoReg 2144–2145). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: No comments were received for this rule; however, comments received for 5 CSR 50-345.105 affect this rule as well.

RESPONSE: Based upon the comments received regarding 5 CSR 50-345.105, which establishes standards for the Fifth Cycle of the Missouri School Improvement Program (MSIP), and the current review of agency standards with regard to the state's Race to the Top grant application, the department has withdrawn the proposed rule. 5 CSR 50-345.205 establishes the process for waiver of Fifth Cycle MSIP standards for qualified school districts. As the process must be coordinated with the Fifth Cycle standards, the department is withdrawing the proposed rule and will republish contemporaneously with the Fifth Cycle standards.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 60—Division of Career Education

Chapter 100—Adult Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 167.031, RSMo Supp. 2009 and section 178.430, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 60-100.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. There are no public hearing requirements for a state plan revision.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's adult education programs, services, and activities, in accordance with the Adult Education and Family Literacy Act of 1998 (Title II of the Workforce Investment Act of 1998, Public Law 105-659).

5 CSR 60-100.010 Missouri State Plan for Adult Education. The board is amending the text of the rule and the incorporated by reference material.

PURPOSE: This amendment is needed to bring the program plan into compliance with changes in section 167.031, RSMo, which changed the state compulsory attendance requirement from age sixteen (16) to age seventeen (17). Section 3.2 of the program plan has been changed to meet state statutory requirements.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost. This note applies only to the reference material. The entire text of the rule is printed here.

The Missouri State Board of Education is responsible for administering and supervising the adult education program at the state level to provide adult education and literacy services, including workplace literacy services, family literacy, and English literacy programs. Funds will be distributed to eligible providers such as local education agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and other institutions that have the ability to provide comprehensive literacy services to adults and families for the purpose of providing instruction in adult education, which is designed to teach persons out of school who are seventeen (17) years of age or older or meet the compulsory attendance requirements of section 167.031, RSMo, to obtain sufficient mastery of basic educational skills to enable them to function effectively in society. The program priorities and objectives are—to assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency, assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children, and assist adults in the completion of a secondary school education and/or obtain a high school equivalence certificate. These objectives are achieved by providing funds to eligible providers and by providing professional development for adult education staff members through local, state, regional, and national sponsored training programs. Project applications are reviewed to assure their compliance with federal and state guidelines. Eligible providers are responsible for meeting federal and state performance measures incorporated in the five (5)-year program plan, as revised, for adult education, which serves as an agreement between state and federal governments regarding the conduct and administration of the program in Missouri for Fiscal Years 2000–2004, as revised. The Missouri Adult Education and Literacy

State Plan 2000–2004 (Revised 2009) is hereby incorporated by reference and made a part of this rule. A copy of the state plan may be obtained by contacting the Adult Education and Literacy Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 167.031, RSMo Supp. 2009 and section 178.430, RSMo 2000. Original rule filed Oct. 15, 1975, effective Oct. 26, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 4, 2010, effective April 30, 2010.

PUBLIC COST: This order of rulemaking will cost state agencies or political subdivisions in the aggregate \$14,305,821 for Fiscal Year 2010 based on the monies expected to be available from the U.S. Department of Education with that cost recurring over the life of the rule subject to annual appropriations.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education
Division: 60 - Career Education
Chapter: 100 - Adult Education
Type of Rulemaking: Order of Rulemaking
Rule Number and Name: 5 CSR 60-100.010 Missouri State Plan for Adult Education

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated cost of Compliance in the Aggregate | |
|--|---|--------------|
| Department of Elementary and Secondary Education (Reimburse Education Agencies) | General Assembly | \$5,219,404 |
| | Workforce Investment Act of 1998, Title II | \$9,086,417 |
| | Total | \$14,305,821 |

III. WORKSHEET

The cost estimate presented above is the combined total of the monies expected to be available from the U.S. Department of Education and the General Assembly appropriations to the Department of Elementary and Secondary Education to be disbursed for Fiscal Year 2010. The estimate will vary annually based on increases or decreases to appropriated amounts with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

Reimbursements to grantees are based on the actual costs of staffing, training and professional development activities, equipment, materials and supplies, etc. Grantees must agree to expend funds to meet the intended purposes of the granting program and in accordance with their approved application.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David's Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2315–2316). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David's Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.020 Eligibility Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2317–2318). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David's Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.030 Sign Design and Installation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2319–2320). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 27—David's Law Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.020, RSMo 2000 and section 227.295, RSMo Supp. 2009, the commission adopts a rule as follows:

7 CSR 10-27.040 Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2009 (34 MoReg 2321–2322). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo 2000, the division amends a rule as follows:

8 CSR 50-1.010 Organization of Division of Workers' Compensation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 16, 2009 (34 MoReg 2467). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provision**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2009 (34 MoReg 2536–2539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 2—Linked Deposit Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Treasurer under sections 30.260 and 30.760, RSMo Supp. 2009, the treasurer amends a rule as follows:

**15 CSR 50-2.050 Interest Rate on Linked Deposit Loans
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2009 (34 MoReg 2540). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before April 1, 2010.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** Kathy.Hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10) or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2009, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP071116055

Renewal Applicant's Name & Age: Cody H. Heckemeyer, 20

Relevant Physical Condition: Mr. Heckemeyer was diagnosed with diabetes mellitus in January 1999. His best-corrected visual acuity is 20/20 Snellen in each eye.

Relevant Driving Experience: Mr. Heckemeyer currently works for a dog food company in Central Missouri. He currently has no commercial motor vehicle experience. He drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Heckemeyer's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP050218011

Renewal Applicant's Name & Age: James A. Mullins, 71

Relevant Physical Condition: Mr. Mullins best-corrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1998.

Relevant Driving Experience: Mr. Mullins worked for MoDOT from November 1977 to June 2004 and is now retired. He drives part-time for a business in Florence, MO. He has driven straight trucks with trailers and tractor-trailer combinations, both manual and automatic, for thirty-nine (39) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Mullin's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP091210050

Applicant's Name & Age: Dennis R. Conner, Jr, 38

Relevant Physical Condition: Mr. Conner's best uncorrected visual acuity is 20/20 Snellen in his right eye, and he lost his left eye in 1979.

Relevant Driving Experience: Mr. Conner is currently unemployed and has approximately sixteen (16) years commercial motor vehicle driving experience. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2009, his optometrist certified, "In my medical opinion, Mr. Conner's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP080128005

Renewal Applicant's Name & Age: Steven J. Kraham, 44

Relevant Physical Condition: Mr. Kraham's best uncorrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1995.

Relevant Driving Experience: Mr. Kraham is currently employed with a service truck company in the St. Louis area as a dispatcher. He has applied for a position to operate roadside service pick-up trucks. He has no commercial motor vehicle driving experience. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his endocrinologist certified, "In my medical opinion, Mr. Kraham's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 1, 2010

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for May 10, 2010. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

02/25/10

#4462 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,250,000, Acquire robotic surgery system

#4461 HS: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,350,000, Replace computerized tomography (CT) unit

02/26/10

#4488 RS: Easy Living Senior Care Center
Kansas City (Jackson County)
\$5,000,000, Establish 216-bed assisted living facility

#4487 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$2,176,136, Acquire 10th CT unit

#4486 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$1,874,416, Acquire 7th magnetic resonance imager (MRI)

#4484 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$1,475,747, Replace interventional radiology equipment

#4481 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$3,709,512, Replace two linear accelerators

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by Wednesday, March 31, 2010. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information, contact
Donna Schuessler, (573) 751-6403.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

| Name of Contractor | Name of Officers | Address | Date of Conviction | Debarment Period |
|--|-------------------------|--------------------------------------|---------------------------|-------------------------|
| Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174 | | 7534 Heron Drive Neosho, MO 64804 | 12/17/09 | 12/17/2009-12/17/2010 |

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF MONROE PROPERTIES, LLC

On the 26th day of January, 2010, Monroe Properties, LLC filed its Notice of Winding Up with the Missouri Secretary of State. The dissolution of the LLC was effective on the 26th day of January, 2010.

You are hereby notified that if you believe you have a claim against Monroe Properties, LLC, you must submit a summary in writing of the circumstances surrounding your claim to the limited liability company to the attention of Carl J. Lumley, Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, no later than May 31, 2010.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Monroe Properties, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice. Claims will be barred as provided in Section 347.141 R.S.Mo.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BMC PARTNERS I, L.L.C.**

On February 10, 2010, BMC Partners I, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: BMC Partners I, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against BMC Partners I, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BMC PARTNERS IV, L.L.C.**

On February 10, 2010, BMC Partners IV, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: BMC Partners IV, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against BMC Partners IV, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP OF HATHAWAY CONSULTING, L.L.C.

On November 30, 2009, Hathaway Consulting, L.L.C., a Missouri limited liability company ("the Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date.

Any claims against the Company should be sent to: Bradshaw, Steele, Cochrane & Berens, L.C., Attn: Jeffrey L. Spray, P.O. Box 1300, Cape Girardeau, MO 63702-1300. Each claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date on which the claim arose; basis and summary of the claim; and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
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| OFFICE OF ADMINISTRATION | | | | | |
| 1 CSR 10 | State Officials' Salary Compensation Schedule | | | | 30 MoReg 2435 |
| 1 CSR 20-4.010 | Personnel Advisory Board and Division of Personnel | | 35 MoReg 98 | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| 2 CSR 90-10 | Weights and Measures | | | | 34 MoReg 1949 |
| 2 CSR 100-6.010 | Missouri Agricultural and Small Business Development Authority | 34 MoReg 2527 | 35 MoReg 7 | | |
| DEPARTMENT OF CONSERVATION | | | | | |
| 3 CSR 10-7.455 | Conservation Commission | | | | 35 MoReg 316 |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | | | | |
| 4 CSR 85-6.010 | Division of Business and Community Services | 34 MoReg 2353 | 34 MoReg 2381 | This Issue | |
| 4 CSR 85-7.010 | Division of Business and Community Services | | 35 MoReg 449 | | |
| 4 CSR 170-1.010 | Missouri Housing Development Commission | | This IssueR | | |
| 4 CSR 170-1.100 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-1.200 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.010 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.020 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.030 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.040 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.050 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.060 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.070 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.080 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.090 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.100 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.110 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.120 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.130 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.140 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.150 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 170-8.160 | Missouri Housing Development Commission | | This Issue | | |
| 4 CSR 240-3.156 | Public Service Commission | | 35 MoReg 365 | | |
| 4 CSR 240-3.190 | Public Service Commission | | 35 MoReg 207 | | |
| 4 CSR 240-3.545 | Public Service Commission | | 35 MoReg 209 | | |
| 4 CSR 240-4.020 | Public Service Commission | | 34 MoReg 2590R 34 MoReg 2590 | | |
| 4 CSR 240-20.100 | Public Service Commission | | 35 MoReg 365 | | |
| 4 CSR 240-33.160 | Public Service Commission | | 35 MoReg 210 | | |
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| 5 CSR 50-270.010 | Division of School Improvement | | 35 MoReg 210 | | |
| 5 CSR 50-345.105 | Division of School Improvement | | 34 MoReg 2141 | This IssueW | |
| 5 CSR 50-345.205 | Division of School Improvement | | 34 MoReg 2144 | This IssueW | |
| 5 CSR 50-350.050 | Division of School Improvement | | 35 MoReg 452 | | |
| 5 CSR 60-100.010 | Division of Career Education | | N.A. | This Issue | |
| 5 CSR 60-100.020 | Division of Career Education | | 35 MoReg 214 | | 35 MoReg 59 |
| 5 CSR 80-800.200 | Teacher Quality and Urban Education | | 35 MoReg 454 | | |
| 5 CSR 80-800.220 | Teacher Quality and Urban Education | | 35 MoReg 454 | | |
| 5 CSR 80-800.260 | Teacher Quality and Urban Education | | 35 MoReg 455 | | |
| 5 CSR 80-800.270 | Teacher Quality and Urban Education | | 35 MoReg 455 | | |
| 5 CSR 80-800.280 | Teacher Quality and Urban Education | | 35 MoReg 456 | | |
| 5 CSR 80-800.290 | Teacher Quality and Urban Education | | 35 MoReg 456 | | |
| 5 CSR 80-800.350 | Teacher Quality and Urban Education | | 35 MoReg 457 | | |
| 5 CSR 80-800.360 | Teacher Quality and Urban Education | | 35 MoReg 458 | | |
| 5 CSR 80-800.380 | Teacher Quality and Urban Education | | 35 MoReg 459 | | |
| DEPARTMENT OF HIGHER EDUCATION | | | | | |
| 6 CSR 250-11.041 | University of Missouri | 35 MoReg 161 | 34 MoReg 2592 | | |
| 6 CSR 250-11.042 | University of Missouri | | 34 MoReg 2594 | | |
| DEPARTMENT OF TRANSPORTATION | | | | | |
| 7 CSR 10-1.010 | Missouri Highways and Transportation Commission | | This Issue | | |
| 7 CSR 10-25.010 | Missouri Highways and Transportation Commission | | | | 35 MoReg 316 This Issue |
| 7 CSR 10-27.010 | Missouri Highways and Transportation Commission | | 34 MoReg 2315 | This Issue | |

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| 7 CSR 10-27.020 | Missouri Highways and Transportation Commission | | 34 MoReg 2317 | This Issue | |
| 7 CSR 10-27.030 | Missouri Highways and Transportation Commission | | 34 MoReg 2319 | This Issue | |
| 7 CSR 10-27.040 | Missouri Highways and Transportation Commission | | 34 MoReg 2321 | This Issue | |
| DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS | | | | | |
| 8 CSR 50-1.010 | Division of Workers' Compensation | | 34 MoReg 2467 | This Issue | |
| DEPARTMENT OF MENTAL HEALTH | | | | | |
| 9 CSR 10-31.011 | Director, Department of Mental Health | | 35 MoReg 8 | | |
| 9 CSR 30-4.0432 | Certification Standards | | 34 MoReg 1986 | 35 MoReg 305 | |
| DEPARTMENT OF NATURAL RESOURCES | | | | | |
| 10 CSR 1-3.010 | Director's Office | | 34 MoReg 2385 | | |
| 10 CSR 10-6.010 | Air Conservation Commission | | 34 MoReg 2385 | | |
| 10 CSR 10-6.040 | Air Conservation Commission | | 34 MoReg 2387 | | |
| 10 CSR 10-6.050 | Air Conservation Commission | | 34 MoReg 2594 | | |
| 10 CSR 10-6.070 | Air Conservation Commission | | 34 MoReg 2387 | | |
| 10 CSR 10-6.075 | Air Conservation Commission | | 34 MoReg 2389 | | |
| 10 CSR 10-6.080 | Air Conservation Commission | | 34 MoReg 2392 | | |
| 10 CSR 10-6.110 | Air Conservation Commission | | 35 MoReg 461 | | |
| 10 CSR 10-6.130 | Air Conservation Commission | | 34 MoReg 2392 | | |
| 10 CSR 10-6.390 | Air Conservation Commission | | 34 MoReg 2145 | | |
| 10 CSR 20-7.015 | Clean Water Commission | | 34 MoReg 2394 | | |
| 10 CSR 25-19.010 | Hazardous Waste Management Commission | 34 MoReg 1535 | 34 MoReg 1553 | 35 MoReg 474 | |
| 10 CSR 70-4.010 | Soil and Water Districts Commission | | 35 MoReg 214R 35 MoReg 214 | | |
| 10 CSR 70-5.010 | Soil and Water Districts Commission | 34 MoReg 1779 | 35 MoReg 216R 35 MoReg 216 | | |
| 10 CSR 70-5.020 | Soil and Water Districts Commission | 34 MoReg 1780 | | | |
| 10 CSR 70-5.030 | Soil and Water Districts Commission | 34 MoReg 1782 | | | |
| 10 CSR 70-5.040 | Soil and Water Districts Commission | 34 MoReg 1783 | 35 MoReg 217R 35 MoReg 217 | | |
| 10 CSR 70-5.050 | Soil and Water Districts Commission | 34 MoReg 1785 | 35 MoReg 217R 35 MoReg 217 | | |
| 10 CSR 70-5.060 | Soil and Water Districts Commission | 34 MoReg 1786 | 35 MoReg 219R 35 MoReg 219 | | |
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| 11 CSR 45-4.020 | Missouri Gaming Commission | | 34 MoReg 1797 | 35 MoReg 390 | |
| 11 CSR 45-4.190 | Missouri Gaming Commission | | 34 MoReg 1797 | 35 MoReg 390 | |
| 11 CSR 45-4.200 | Missouri Gaming Commission | | 34 MoReg 1797 | 35 MoReg 391 | |
| 11 CSR 45-4.500 | Missouri Gaming Commission | | 34 MoReg 1798 | 35 MoReg 391 | |
| 11 CSR 45-4.510 | Missouri Gaming Commission | | 34 MoReg 1798 | 35 MoReg 392 | |
| 11 CSR 45-4.520 | Missouri Gaming Commission | | 34 MoReg 1801 | 35 MoReg 392 | |
| 11 CSR 45-4.530 | Missouri Gaming Commission | | 34 MoReg 1801 | 35 MoReg 393 | |
| 11 CSR 45-4.540 | Missouri Gaming Commission | | 34 MoReg 1802 | 35 MoReg 394 | |
| 11 CSR 45-10.040 | Missouri Gaming Commission | | 35 MoReg 99 | | |
| 11 CSR 45-11.020 | Missouri Gaming Commission | 35 MoReg 85 | 35 MoReg 100 | | |
| 11 CSR 45-11.030 | Missouri Gaming Commission | 35 MoReg 86 | 35 MoReg 103 | | |
| 11 CSR 45-11.050 | Missouri Gaming Commission | 35 MoReg 86 | 35 MoReg 103 | | |
| 11 CSR 45-11.070 | Missouri Gaming Commission | 35 MoReg 87 | 35 MoReg 103 | | |
| 11 CSR 45-11.130 | Missouri Gaming Commission | 35 MoReg 88 | 35 MoReg 104 | | |
| 11 CSR 45-12.010 | Missouri Gaming Commission | | 35 MoReg 467 | | |
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| 12 CSR 10-2.045 | Director of Revenue | | 35 MoReg 13 | | |
| 12 CSR 10-41.010 | Director of Revenue | 34 MoReg 2528 | 34 MoReg 2536 | This Issue | |
| 12 CSR 10-110.900 | Director of Revenue | | 34 MoReg 2467 | | |
| 12 CSR 30-3.010 | State Tax Commission | | 35 MoReg 220 | | |
| 12 CSR 30-3.025 | State Tax Commission | | 35 MoReg 220 | | |
| 12 CSR 30-4.010 | State Tax Commission | | 35 MoReg 221 | | |
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| 13 CSR 70-10.110 | MO HealthNet Division | 35 MoReg 5 | 35 MoReg 13 | | |
| 13 CSR 70-15.010 | MO HealthNet Division | 35 MoReg 161 | 34 MoReg 1802 | 35 MoReg 306 | |
| 13 CSR 70-15.110 | MO HealthNet Division | | 35 MoReg 17 | | |
| 13 CSR 70-20.320 | MO HealthNet Division | 35 MoReg 6 | 35 MoReg 19 | | |
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| 15 CSR 40-4.010 | State Auditor | | 35 MoReg 224 | | |
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| 15 CSR 40-4.030 | State Auditor | | 35 MoReg 225 | | |
| 15 CSR 40-4.040 | State Auditor | | 35 MoReg 225 | | |
| 15 CSR 50-2.050 | Treasurer | 34 MoReg 2528 | 34 MoReg 2540 | This Issue | |
| RETIREMENT SYSTEMS | | | | | |
| 16 CSR 10-5.010 | The Public School Retirement System of Missouri | | 35 MoReg 226 | | |
| 16 CSR 10-5.020 | The Public School Retirement System of Missouri | | 35 MoReg 227 | | |
| 16 CSR 10-6.060 | The Public School Retirement System of Missouri | | 35 MoReg 227 | | |
| 16 CSR 10-6.070 | The Public School Retirement System of Missouri | | 35 MoReg 228 | | |

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| 16 CSR 20-2.080 | Missouri Local Government Employees' Retirement System (LAGERS) | | 35 MoReg 104R 35 MoReg 105 | | |
| 16 CSR 20-2.105 | Missouri Local Government Employees' Retirement System (LAGERS) | | 34 MoReg 2595 | | |
| 16 CSR 50-2.010 | The County Employees' Retirement Fund | | 35 MoReg 467 | | |
| 16 CSR 50-2.035 | The County Employees' Retirement Fund | | 34 MoReg 2146 35 MoReg 468 | 35 MoReg 312 | |
| 16 CSR 50-2.120 | The County Employees' Retirement Fund | | 35 MoReg 468 | | |
| 16 CSR 50-2.130 | The County Employees' Retirement Fund | | 35 MoReg 469 | | |
| 16 CSR 50-10.010 | The County Employees' Retirement Fund | | 35 MoReg 469 | | |
| 16 CSR 50-10.050 | The County Employees' Retirement Fund | | 35 MoReg 470 | | |
| 16 CSR 50-10.060 | The County Employees' Retirement Fund | | 35 MoReg 471 | | |
| 16 CSR 50-20.070 | The County Employees' Retirement Fund | | 35 MoReg 471 | | |
| 16 CSR 50-20.080 | The County Employees' Retirement Fund | | 35 MoReg 472 | | |
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| 18 CSR 10-2.010 | Office of State Public Defender | | | | 35 MoReg 396RAN |
| 18 CSR 10-4.010 | Office of State Public Defender | | | | 35 MoReg 396RAN |
| DEPARTMENT OF HEALTH AND SENIOR SERVICES | | | | | |
| 19 CSR 20-28 | Division of Community and Public Health | | | | 34 MoReg 2432 |
| 19 CSR 30-40.342 | Division of Regulation and Licensure | | 34 MoReg 2147 | 35 MoReg 475 | |
| 19 CSR 60-50 | Missouri Health Facilities Review Committee | | | | 35 MoReg 126 35 MoReg 317 35 MoReg 492 This Issue |
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| 20 CSR | Construction Claims Binding Arbitration Cap | | | | 33 MoReg 150 33 MoReg 2446 |
| 20 CSR | Medical Malpractice | | | | 31 MoReg 616 32 MoReg 545 |
| 20 CSR | Sovereign Immunity Limits | | | | 33 MoReg 150 33 MoReg 2446 35 MoReg 318 |
| 20 CSR | State Legal Expense Fund Cap | | | | 32 MoReg 668 33 MoReg 150 33 MoReg 2446 |
| 20 CSR 200-1.105 | Insurance Solvency and Company Regulation | | 34 MoReg 2154 | 35 MoReg 312 | |
| 20 CSR 400-3.650 | Life, Annuities and Health | 34 MoReg 1539 | 34 MoReg 1805 | 35 MoReg 312 | |
| 20 CSR 1105-3.011 | Credit Union Commission | | 34 MoReg 2472 | 35 MoReg 479 | |
| 20 CSR 1105-3.012 | Credit Union Commission | | 34 MoReg 2472 | 35 MoReg 479 | |
| 20 CSR 2085-3.010 | Board of Cosmetology and Barber Examiners | 34 MoReg 1459 | 34 MoReg 1024 34 MoReg 1921 | 34 MoReg 1743 34 MoReg 2604 | |
| 20 CSR 2120-2.100 | State Board of Embalmers and Funeral Directors | 34 MoReg 2357 | 34 MoReg 2417 | 35 MoReg 479 | |
| 20 CSR 2120-2.130 | State Board of Embalmers and Funeral Directors | 35 MoReg 88 | 35 MoReg 105 | | |
| 20 CSR 2120-2.140 | State Board of Embalmers and Funeral Directors | 35 MoReg 89 | 35 MoReg 105 | | |
| 20 CSR 2120-2.150 | State Board of Embalmers and Funeral Directors | 35 MoReg 90 | 35 MoReg 106 | | |
| 20 CSR 2120-3.100 | State Board of Embalmers and Funeral Directors | 34 MoReg 2463 | | | |
| 20 CSR 2120-3.105 | State Board of Embalmers and Funeral Directors | 34 MoReg 2357 | 34 MoReg 2421 | 35 MoReg 479 | |
| 20 CSR 2120-3.115 | State Board of Embalmers and Funeral Directors | 35 MoReg 90 | 35 MoReg 106 | | |
| 20 CSR 2120-3.120 | State Board of Embalmers and Funeral Directors | 35 MoReg 91 | 35 MoReg 109 | | |
| 20 CSR 2120-3.125 | State Board of Embalmers and Funeral Directors | 34 MoReg 2358 | 34 MoReg 2424 | 35 MoReg 479 | |
| 20 CSR 2120-3.200 | State Board of Embalmers and Funeral Directors | 35 MoReg 92 | 35 MoReg 109 | | |
| 20 CSR 2120-3.300 | State Board of Embalmers and Funeral Directors | 35 MoReg 92 | 35 MoReg 109 | | |
| 20 CSR 2120-3.305 | State Board of Embalmers and Funeral Directors | 35 MoReg 93 | 35 MoReg 110 | | |
| 20 CSR 2120-3.310 | State Board of Embalmers and Funeral Directors | 35 MoReg 93 | 35 MoReg 110 | | |
| 20 CSR 2120-3.400 | State Board of Embalmers and Funeral Directors | 35 MoReg 94 | 35 MoReg 112 | | |
| 20 CSR 2120-3.405 | State Board of Embalmers and Funeral Directors | 34 MoReg 2464 | 34 MoReg 2424 | 35 MoReg 480 | |
| 20 CSR 2120-3.410 | State Board of Embalmers and Funeral Directors | 35 MoReg 95 | 35 MoReg 112 | | |
| 20 CSR 2120-3.505 | State Board of Embalmers and Funeral Directors | 35 MoReg 95 | 35 MoReg 112 | | |
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| 20 CSR 2120-3.525 | State Board of Embalmers and Funeral Directors | 35 MoReg 97 | 35 MoReg 113 | | |
| 20 CSR 2150-5.025 | State Board of Registration for the Healing Arts | 34 MoReg 2529 | 34 MoReg 2540 | | |
| 20 CSR 2200-4.021 | State Board of Nursing | | 34 MoReg 2473R | 35 MoReg 480R | |
| 20 CSR 2200-4.022 | State Board of Nursing | | 34 MoReg 2473 | 35 MoReg 480 | |
| 20 CSR 2220-2.175 | State Board of Pharmacy | | 34 MoReg 2195 | 35 MoReg 313 | |
| 20 CSR 2220-2.700 | State Board of Pharmacy | | 34 MoReg 2204 | 35 MoReg 314 | |
| 20 CSR 2220-6.050 | State Board of Pharmacy | 34 MoReg 2531 | 34 MoReg 2542 | | |
| 20 CSR 2220-6.055 | State Board of Pharmacy | 34 MoReg 2534 | 34 MoReg 2544 | | |
| 20 CSR 2245-3.010 | Real Estate Appraisers | | 34 MoReg 2207 | 35 MoReg 314 | |
| 20 CSR 2245-4.050 | Real Estate Appraisers | | 34 MoReg 2208 | 35 MoReg 314W | |
| 20 CSR 2245-4.060 | Real Estate Appraisers | | 34 MoReg 2208 | 35 MoReg 315W | |
| 20 CSR 2245-6.015 | Real Estate Appraisers | | 34 MoReg 2213 | 35 MoReg 315W | |
| 20 CSR 2263-1.010 | State Committee for Social Workers | | 34 MoReg 2221R | 35 MoReg 480R | |
| | | | 34 MoReg 2221 | 35 MoReg 481 | |
| 20 CSR 2263-1.035 | State Committee for Social Workers | | 34 MoReg 2222 | 35 MoReg 481 | |
| 20 CSR 2263-2.020 | State Committee for Social Workers | | 34 MoReg 2225R | 35 MoReg 481R | |
| | | | 34 MoReg 2225 | 35 MoReg 481 | |
| 20 CSR 2263-2.022 | State Committee for Social Workers | | 34 MoReg 2225R | 35 MoReg 481R | |
| 20 CSR 2263-2.030 | State Committee for Social Workers | | 34 MoReg 2226 | 35 MoReg 481 | |
| 20 CSR 2263-2.031 | State Committee for Social Workers | | 34 MoReg 2226R | 35 MoReg 482R | |
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| 20 CSR 2263-2.032 | State Committee for Social Workers | | 34 MoReg 2233 | 35 MoReg 484 | |
| 20 CSR 2263-2.045 | State Committee for Social Workers | | 34 MoReg 2238 | 35 MoReg 484 | |
| 20 CSR 2263-2.047 | State Committee for Social Workers | | 34 MoReg 2242R | 35 MoReg 485R | |
| 20 CSR 2263-2.050 | State Committee for Social Workers | | 34 MoReg 2242 | 35 MoReg 485 | |
| 20 CSR 2263-2.052 | State Committee for Social Workers | | 34 MoReg 2248R | 35 MoReg 485R | |
| 20 CSR 2263-2.060 | State Committee for Social Workers | | 34 MoReg 2248 | 35 MoReg 485 | |
| 20 CSR 2263-2.062 | State Committee for Social Workers | | 34 MoReg 2248R | 35 MoReg 486R | |
| 20 CSR 2263-2.070 | State Committee for Social Workers | | 34 MoReg 2249R | 35 MoReg 486R | |
| | | | 34 MoReg 2249 | 35 MoReg 486 | |
| 20 CSR 2263-2.072 | State Committee for Social Workers | | 34 MoReg 2253R | 35 MoReg 486R | |
| 20 CSR 2263-2.075 | State Committee for Social Workers | | 34 MoReg 2253 | 35 MoReg 486 | |
| 20 CSR 2263-2.082 | State Committee for Social Workers | | 34 MoReg 2253 | 35 MoReg 487 | |
| 20 CSR 2263-2.085 | State Committee for Social Workers | | 34 MoReg 2255R | 35 MoReg 487R | |
| | | | 34 MoReg 2255 | 35 MoReg 487 | |
| 20 CSR 2263-2.090 | State Committee for Social Workers | | 34 MoReg 2261 | 35 MoReg 488 | |
| 20 CSR 2263-3.010 | State Committee for Social Workers | | 34 MoReg 2263R | 35 MoReg 488R | |
| | | | 34 MoReg 2263 | 35 MoReg 488 | |
| 20 CSR 2263-3.020 | State Committee for Social Workers | | 34 MoReg 2263R | 35 MoReg 488R | |
| | | | 34 MoReg 2263 | 35 MoReg 488 | |
| 20 CSR 2263-3.040 | State Committee for Social Workers | | 34 MoReg 2264R | 35 MoReg 488R | |
| | | | 34 MoReg 2264 | 35 MoReg 489 | |
| 20 CSR 2263-3.060 | State Committee for Social Workers | | 34 MoReg 2265R | 35 MoReg 489R | |
| | | | 34 MoReg 2266 | 35 MoReg 489 | |
| 20 CSR 2263-3.080 | State Committee for Social Workers | | 34 MoReg 2266R | 35 MoReg 489R | |
| | | | 34 MoReg 2267 | 35 MoReg 490 | |
| 20 CSR 2263-3.100 | State Committee for Social Workers | | 34 MoReg 2267R | 35 MoReg 490R | |
| | | | 34 MoReg 2267 | 35 MoReg 490 | |
| 20 CSR 2263-3.120 | State Committee for Social Workers | | 34 MoReg 2268R | 35 MoReg 490R | |
| | | | 34 MoReg 2268 | 35 MoReg 490 | |
| 20 CSR 2263-3.140 | State Committee for Social Workers | | 34 MoReg 2269R | 35 MoReg 491R | |
| | | | 34 MoReg 2269 | 35 MoReg 491 | |
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| 22 CSR 10-2.010 | Health Care Plan | 35 MoReg 164 | 35 MoReg 229 | | |
| 22 CSR 10-2.020 | Health Care Plan | 35 MoReg 171 | 35 MoReg 239 | | |
| 22 CSR 10-2.045 | Health Care Plan | 35 MoReg 174 | 35 MoReg 242 | | |
| 22 CSR 10-2.050 | Health Care Plan | 35 MoReg 175 | 35 MoReg 243 | | |
| 22 CSR 10-2.051 | Health Care Plan | 35 MoReg 176 | 35 MoReg 246 | | |
| 22 CSR 10-2.053 | Health Care Plan | 35 MoReg 177 | 35 MoReg 250 | | |
| 22 CSR 10-2.054 | Health Care Plan | 35 MoReg 177 | 35 MoReg 254 | | |
| 22 CSR 10-2.055 | Health Care Plan | 35 MoReg 178 | 35 MoReg 257 | | |
| 22 CSR 10-2.060 | Health Care Plan | 35 MoReg 178 | 35 MoReg 257 | | |
| 22 CSR 10-2.064 | Health Care Plan | 35 MoReg 181 | 35 MoReg 259 | | |
| 22 CSR 10-2.067 | Health Care Plan | 35 MoReg 181R | 35 MoReg 262R | | |
| 22 CSR 10-2.090 | Health Care Plan | 35 MoReg 182 | 35 MoReg 262 | | |
| 22 CSR 10-3.010 | Health Care Plan | 35 MoReg 183 | 35 MoReg 267 | | |
| 22 CSR 10-3.020 | Health Care Plan | 35 MoReg 190 | 35 MoReg 276 | | |
| 22 CSR 10-3.030 | Health Care Plan | 35 MoReg 193 | 35 MoReg 279 | | |
| 22 CSR 10-3.045 | Health Care Plan | 35 MoReg 194 | 35 MoReg 279 | | |
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| 22 CSR 10-3.060 | Health Care Plan | 35 MoReg 199 | 35 MoReg 301 | | |
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| 2 CSR 100-6.010 | Description of Operation, Definitions, Fee Structures, Applicant Requirements, and Procedures for Making and Collecting Loans and Amending the Rules for the Single-Purpose Animal Facilities Loan Guarantee Program | .34 MoReg 2527Nov. 2, 2009 | April 30, 2010 |
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| 4 CSR 85-6.010 | Recovery Zone Bond Allocation, Waiver, and Reallocation | .34 MoReg 2353Sept. 28, 2009 | March 26, 2010 |
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| 6 CSR 250-11.041 | Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers | .35 MoReg 161Jan. 1, 2010 | June 28, 2010 |
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| 20 CSR 2120-3.405 | Preneed Agents—Missouri Law Exam | .34 MoReg 2464Nov. 2, 2009 | April 1, 2010 |
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| 10-18 | Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors | Feb. 26, 2010 | Next Issue |
| 10-17 | Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day | Feb. 2, 2010 | This Issue |
| 10-16 | Transfers the scholarship portion of the A + Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education | Jan. 29, 2010 | 35 MoReg 447 |
| 10-15 | Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services | Jan. 29, 2010 | 35 MoReg 445 |
| 10-14 | Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies | Jan. 29, 2010 | 35 MoReg 443 |
| 10-13 | Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care | Jan. 15, 2010 | 35 MoReg 364 |
| 10-12 | Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving | Jan. 15, 2010 | 35 MoReg 363 |
| 10-11 | Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission | Jan. 15, 2010 | 35 MoReg 362 |
| 10-10 | Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability | Jan. 15, 2010 | 35 MoReg 361 |
| 10-09 | Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services | Jan. 15, 2010 | 35 MoReg 360 |
| 10-08 | Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety | Jan. 15, 2010 | 35 MoReg 358 |
| 10-07 | Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation | Jan. 15, 2010 | 35 MoReg 357 |
| 10-06 | Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation | Jan. 15, 2010 | 35 MoReg 356 |
| 10-05 | Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names | Jan. 15, 2010 | 35 MoReg 355 |
| 10-04 | Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council | Jan. 15, 2010 | 35 MoReg 354 |
| 10-03 | Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission | Jan. 15, 2010 | 35 MoReg 353 |
| 10-02 | Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services | Jan. 15, 2010 | 35 MoReg 352 |
| 10-01 | Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation | Jan. 15, 2010 | 35 MoReg 351 |

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| 09-29 | Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010 | December 31, 2009 | 35 MoReg 205 |
| 09-28 | Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced | December 24, 2009 | 35 MoReg 203 |
| 09-27 | Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded | November 4, 2009 | 34 MoReg 2587 |
| 09-26 | Advises that state offices will be closed November 27, 2009 | October 30, 2009 | 34 MoReg 2466 |
| 09-25 | Creates the governor's faith-based and community service partnership for disaster recovery | September 21, 2009 | 34 MoReg 2361 |
| 09-24 | Creates the prompt pay for a healthy Missouri project | September 11, 2009 | 34 MoReg 2313 |
| 09-23 | Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies | September 1, 2009 | 34 MoReg 2139 |

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| 09-22 | Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers | August 20, 2009 | 34 MoReg 2137 |
| 09-21 | Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated | May 14, 2009 | 34 MoReg 1332 |
| 09-20 | Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period | May 12, 2009 | 34 MoReg 1331 |
| 09-19 | Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated | May 8, 2009 | 34 MoReg 1329 |
| 09-18 | Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years | April 23, 2009 | 34 MoReg 1273 |
| 09-17 | Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12 | March 31, 2009 | 34 MoReg 828 |
| 09-16 | Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process | March 26, 2009 | 34 MoReg 826 |
| 09-15 | Expands the Missouri Automotive Jobs Task Force to consist of 18 members | March 24, 2009 | 34 MoReg 824 |
| 09-14 | Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies | March 5, 2009 | 34 MoReg 761 |
| 09-13 | Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009 | February 25, 2009 | 34 MoReg 657 |
| 09-12 | Creates and establishes the Transform Missouri Initiative | February 20, 2009 | 34 MoReg 655 |
| 09-11 | Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services | February 4, 2009 | 34 MoReg 590 |
| 09-10 | Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development | February 4, 2009 | 34 MoReg 588 |
| 09-09 | Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education | February 4, 2009 | 34 MoReg 585 |
| 09-08 | Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies | February 2, 2009 | 34 MoReg 366 |
| 09-07 | Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26 | January 30, 2009 | 34 MoReg 364 |
| 09-06 | Activates the state militia in response to the aftermath of severe storms that began on January 26 | January 28, 2009 | 34 MoReg 362 |
| 09-05 | Establishes a Complete Count Committee for the 2010 Census | January 27, 2009 | 34 MoReg 359 |
| 09-04 | Declares a state of emergency and activates the Missouri State Emergency Operations Plan | January 26, 2009 | 34 MoReg 357 |
| 09-03 | Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business | January 13, 2009 | 34 MoReg 281 |
| 09-02 | Creates the Economic Stimulus Coordination Council | January 13, 2009 | 34 MoReg 279 |
| 09-01 | Creates the Missouri Automotive Jobs Task Force | January 13, 2009 | 34 MoReg 277 |

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